

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:04CR244
vs.) ORDER
ROBERTO ALBARADO-LEON,)
Defendant.)

This matter came before the court on April 15, 2005, for a change of plea by defendant Roberto Albarado-Leon (Albarado-Leon). The defendant declined to proceed with a change of plea and requested trial. Counsel for Albarado-Leon, James Martin Davis, orally requested to withdraw as counsel for Albarado-Leon. The court held a hearing on the oral motion and inquired of Mr. Davis and Albarado-Leon *in camera*. The court determined that Mr. Davis' motion to withdraw should be denied and such motion is denied.

Mr. Davis asked for additional time in which to prepare for trial. There was no objection by the government. Albarado-Leon agreed to the request and stated he understood the additional time would be excluded under the Speedy Trial Act. The defense request for a continuance of trial is granted.

Trial of this matter is rescheduled before Judge Laurie Smith Camp and a jury to commence on **June 21, 2005**. The additional **time** arising as a result of the granting of the request, i.e., the time between **April 15, 2005 and June 21, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 18th day of April, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge